

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

GARY ESHELBRENNER, et al.,	)	
	)	
Plaintiffs,	)	8:05CV565
	)	
vs.	)	ORDER
	)	
MARCIN RAPACZ, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on the plaintiffs' Motion to File a Third Amended Complaint (Filing No. 27) and Motion for Leave to File a Third Amended Complaint (Filing No. 52). The plaintiffs filed a copy of the proposed pleading with each of the motions, in compliance with NECivR 15.1(a). The proposed pleadings for both motions are identical. The reason for the second motion was some confusion regarding the recent transfer of the case from United States District Court for the Northern District of Illinois. Counsel for the plaintiffs represents the defendants have no objection to the motion. Upon consideration,

**IT IS ORDERED:**

1. The plaintiffs' Motion to File a Third Amended Complaint (Filing No. 27) is denied as moot.
2. The plaintiffs' Motion for Leave to File a Third Amended Complaint (Filing No. 52) is granted.
3. The plaintiffs shall have to **on or before February 8, 2006**, to file the Third Amended Complaint.
4. The defendants shall have to **on or before February 22, 2006**, to file an answer or otherwise respond to the Third Amended Complaint.

DATED this 1st day of February, 2006.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge